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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,332	06/27/2001	Scott Swix	60027.0017US01/BS01039	2021
39262	7590	04/07/2005		
BELLSOUTH CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER BILGRAMI, ASGHAR H	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,332

Applicant(s)

SWIX ET AL.

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09/24/2004, 12/02/02</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (US. PUB. 2002/0059627A1) and Kerbs (U.S. 5,557,320).

As per claim 1,16 & 20 Thomas disclosed a media distribution system operative to selectively deliver media content to a media presentation device, the media distribution system comprising: a media delivery service provider operative to transmit a media content stream to a media distribution device (page.1, paragraph.3); a customer account database for maintaining a central account associated with the media distribution device, the central account identifying a portion of the media content stream that is selected for delivery to the media presentation device (page.6, paragraph.92); to a local account data module for maintaining a local account identifying the portion of the media content stream that is selected for delivery to the media presentation device (page.3, paragraphs.48 & 49).

However Thomas did not disclosed in detail a local account manager for modifying the local account data module; wherein the media delivery device delivers to the media presentation device portion of the media content stream identified by the local account data module. In the same field of endeavor Kerbs disclosed a local account manager for modifying the local account

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data module; wherein the media delivery device delivers to the media presentation device portion of the media content stream identified by the local account data module (col.6, lines 39-62).

It would have been obvious to one in the ordinary skill in the art to incorporate the capability of modifying more than one type of media contents feeding into the media distribution device for display and thus making and it more versatile and increase its interoperability.

3. As per claim 2 Thomas-Kerbs disclosed the media distribution device of Claim 1, wherein the media content is delivered over a communication link between the media distribution device and a media delivery service provider (Thomas, page.4, paragraph 56).

4. As per claim 3 Thomas-Kerbs disclosed the media distribution device of Claim 1, wherein the communication link is a broadband connection (Kerbs, col.4, lines 38-50).

5. As per claim 4 Thomas-Kerbs disclosed the media distribution device of Claim 3, wherein the broadband connection is an asymmetric digital subscriber line (Kerbs, col.4, lines 38-50).

6. As per claim 5 Thomas-Kerbs disclosed the media distribution device of Claim 1, wherein the communication link is a satellite connection (Kerbs, col.6, lines 31-38).

7. As per claim 6 Thomas-Kerbs disclosed the media distribution device of Claim 1, wherein the local account manager can be remotely controlled (Thomas, page.2, paragraph 41 & page.4, paragraph 59).

8. As per claim 7 Thomas-Kerbs disclosed the media distribution device of Claim 1, wherein the local account manager can be remotely accessed (Thomas, page.2, paragraph 41 & page.4, paragraph 59).

9. As per claim 8 Thomas-Kerbs disclosed the media distribution device of Claim 7, wherein the local account manager can be remotely accessed via the media adapter (Thomas, page.2, paragraph 41 & page.4, paragraph 59 & 61).

10. As per claim 9 Thomas-Kerbs disclosed the media distribution device of Claim 7, wherein the local account manager can be remotely accessed via the data adapter (Thomas, page.2, paragraph 41 & page.4, paragraph 59 & 61).

11. As per claim 10 Thomas-Kerbs disclosed the media distribution device of Claim 1, wherein the media content is delivered over a communication link between the media distribution device and a media delivery service provider and wherein the local account manager can be remotely accessed by the media delivery system (Thomas, page.2, paragraph 41 & page.4, paragraph 59 & 61).

12. As per claim 11 Thomas-Kerbs disclosed the media distribution device of Claim 10, wherein the local account data module can be transmitted to the media delivery service provider (Thomas, page.2, paragraph 41 & page.4, paragraph 59).

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13. As per claim 12 Thomas-Kerbs disclosed the media distribution device of Claim 11, wherein the media delivery service provider is operative to store the local account data module (Thomas, page.4, paragraph 59 & page.6, paragraph 91).

14. As per claim 13 Thomas-Kerbs disclosed the media distribution device of Claim 1, wherein the local account manager can be locally accessed (Thomas, page.3, paragraphs 48 & 49 and page.4, paragraph 56).

15. As per claim 14 Thomas-Kerbs disclosed the media distribution device of Claim 13, further comprising a user interface whereby the local account manager can be locally accessed (page.4, paragraph 56 & 63).

16. As per claim 15 Thomas-Kerbs disclosed the media distribution device of Claim 14, wherein the user interface is provided via the media presentation device (Kerbs, col.7, lines 27-40).

17. As per claim 17 Thomas-Kerbs disclosed the media delivery system of Claim 16, wherein the local account manager is operative to autonomously transmit the local account data module to the media delivery service provider for storage as the central account (Thomas, page.1, paragraph 8, page.3, paragraph 45 & page.4, paragraph 59).

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18. As per claim 18 Thomas-Kerbs disclosed the media delivery system of Claim 17, wherein the local account data module is transmitted to the media delivery service provider over an asymmetric digital subscriber line (Thomas, page.2, paragraph 41 & page.4, paragraph 59 & 61).

19. The media delivery system of Claim 19, wherein the media delivery service provider transmits the media stream to the media distribution device over an asymmetric digital subscriber line.

Response to Arguments

20. Applicant's arguments filed 12 December, 2004 have been fully considered but they are not persuasive. When prior art is presented to the applicants, it is the responsibility of the applicants to not simply read portions of the prior art but to also gain an understanding of the spirit of the design.

21. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant argues that Thomas does not disclose a local account manager, which manager is clearly disclosed by Krebs. Additionally applicant argues that Krebs does not suggest a media distribution device, which device is clearly taught by Thomas. Thus the combination of Thomas in view of Krebs renders applicants invention unpatentable. Moreover examiner notes point out that Thomas could easily and obviously be interpreted to include a local account manager, (Page.3, Paragraphs 48 & 49, page.4, paragraph. 56) and also delivery of media to media presentation device without

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modification to the media content sent from the media delivery service provider (page. Paragraphs 36-39), as noted within the prior office action, though a more detailed version was noted within the prior office action by combining Thomas and Krebs references.

Conclusion

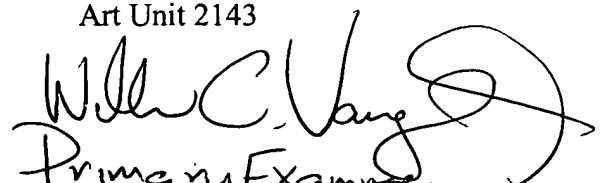
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Asghar Bilgrami
Examiner
Art Unit 2143

AB


Primary Examiner
Art Unit 2143
William C. Vaughn